

AMENDED IN SENATE AUGUST 7, 2012

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1824

Introduced by Assembly Member Hagman
(*Coauthor: Senator Anderson*)

February 21, 2012

An act to add Section 1305.6 to the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, as amended, Hagman. Bail.

Existing law specifies the procedures for the forfeiture and exoneration of a bail bond, including requiring a court to direct the order of forfeiture to be vacated and the bond exonerated if the defendant appears in court within 180 days of the date of forfeiture or within 180 days of the date of mailing of a specified notice, if required. Existing law requires a court to vacate the forfeiture and exonerate the bond if the defendant is arrested on the underlying case or surrendered by the bail outside the county where the case is located.

This bill would authorize a court, in its discretion, to vacate the forfeiture and exonerate the bond if a person appears in court after the 180-day period ends if the person was arrested on the same case *within the county where the case is located* during the 180-day period and has been in continuous custody from the time of arrest until his or her appearance in court. The bill would authorize, upon showing of good

cause and within 20 days from the mailing of notice of entry of judgment, the filing of a motion to vacate the forfeiture and exonerate the bond where the defendant is secured outside the county where the case is filed, as provided above. The bill would require written notice to the prosecuting agency at least 10 court days before a hearing regarding either of these motions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1305.6 is added to the Penal Code, to
 2 read:
 3 1305.6. (a) If a person appears in court ~~after arrest~~ after the
 4 end of the 180-day period specified in Section 1305, the court may,
 5 in its discretion, vacate the forfeiture and exonerate the bond if
 6 both of the following conditions are met:
 7 (1) The person was arrested on the same case *within the county*
 8 *where the case is located*, within the 180-day period.
 9 (2) The person has been in continuous custody from the time
 10 of his or her arrest until the court appearance on that case.
 11 (b) Upon a showing of good cause, a motion brought pursuant
 12 to paragraph (3) of subdivision (c) of Section 1305 may be filed
 13 within 20 days from the mailing of the notice of entry of judgment
 14 under Section 1306.
 15 (c) In addition to any other notice required by law, the moving
 16 party shall give the applicable prosecuting agency written notice
 17 of the motion to vacate the forfeiture and exonerate the bond under
 18 this section at least 10 court days before the hearing.

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